

PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

Public Notice/Application No. SPL-2004-01749-MB

Comment Period: January 31, 2008 – March 1, 2008

Applicant

Nace Land and Cattle Company, Inc.
Mr. Tony Nace
9826 N. 39th Street
Phoenix, Arizona 85028
(602)525-0424

Agent

Himes Consulting, LLC
Ms. Jill Himes
3301 W. Genoa Way
Chandler, Arizona 85226

Location

At the proposed 450-acre Arizona Gateway industrial/commercial development, at the southeast intersection of I-40 and SR 95, within portions of Section 13, T16N, R20W, north of Lake Havasu City, Mohave County, Arizona (Figures 1 and 2).

Activity

Nace Land and Cattle Company, Inc. proposes to develop a commercial/industrial development with a maximum of 19 commercial/industrial pads and associated infrastructure to support a warehouse storage distribution center. The proposed activity will result in the discharge of dredged and/or fill material into 2.17 acres of waters of the U.S. (WUS) from pad fills, drainage conveyance, and road crossings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to Marjorie.E.Blaine@usace.army.mil or mailed to:

U.S. Army Corps of Engineers
ATTENTION: Regulatory Division (SPL-2004-01749-MB)
5205 E. Comanche Street
Tucson, Arizona 85707

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, the evaluation of the activity will include application of the Environmental Protection Agency (EPA) Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination – A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality – The Applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources – A Class III cultural resource survey was conducted of this property and no properties eligible for listing in the National Register of Historic Places were identified. The Arizona State Historic Preservation Office has concurred on the Corps' determination of "no historic properties affected" for this proposed project.

Endangered Species – There are no threatened or endangered species currently listed or proposed for listing which occur within the project area and there is no designated critical habitat within the proposed project area. The Corps has determined the proposed project will have "no effect" on any proposed or currently listed threatened or endangered species.

Public Hearing – Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed 450-acre Arizona Gateway commercial/industrial development will consist of 19 pads of varied sizes to support a warehouse storage distribution center. The development will include 283 acres (ac) for pad development, 20 ac for street construction, 7 ac for drainage easements, 2 ac for diversion channels, 2 ac for landscaped areas, 109 ac for undisturbed open space, and 27 ac in Sacramento Wash as a conservation area (Figure 3).

The discharge of dredged/fill material will occur into 2.17 ac of WUS resulting in permanent, direct impacts to WUS for pad fills, grading for drainage conveyance, and roads. Pad fills will impact 2.12 ac of WUS and diversion channels for drainage conveyance will impact .05 ac of WUS. Materials discharged into WUS will include onsite native materials, bedding sand, and concrete. The total discharge of dredged/fill material into WUS is approximately 7,002 cubic yards (cy) including 6,840 cy for pad fills and 161 cy for the diversions. It is anticipated that cut/fill will be balanced onsite.

Diversion channels will be constructed at two locations on the south side of the project to intercept flow and direct it into the central drainage channel. The diversion channels will be constructed with a natural (native earth) bottom to allow a meandering flow channel of 1-foot wide within a larger flow channel of 2.5-feet wide (Figure 4). The central drainage channel will be constructed with a natural (native earth) bottom of 10-feet wide to allow a low-flow meandering channel (Figure 5). Filter fabric will be placed within the floodway and revegetated with an overall width of 100 feet. Box culverts will be installed at the Colonnade Lane road crossing within the natural open space area (Figure 6) to pass flood waters (sheet flow). No WUS will be impacted from this construction as the road will cross an area which was originally a downstream reach of an ephemeral wash but subsequently impacted by aggregate mining. Two road crossings will be constructed across the central drainage channel at Colonnade Lane and Budweiser Way. At each crossing, 8-60" HDPE pipes will be installed to convey the flows (Figure 7).

Additional Project Information

The basic project purpose is commercial development, which is not a water-dependent activity. The overall project purpose is to provide a commercial/light industrial development for a warehouse storage distribution center which can be easily accessed from I-40 and SR95 which are major transportation corridors connecting California, Arizona, and Nevada. The project is located approximately 10 miles east of the Colorado River at an approximate elevation of 1,000 feet above mean sea level (msl). The Mohave Mountains are to the south of the project area, the Black Mountains to the north, Mohave Valley and the Colorado River to the west, and the Hualapai Mountains to the east. The project area is located within the Mohave Desertscrub biotic community. Shrub vegetation is sparse and dominated by creosote (*Larrea tridentata*), four-wing saltbush (*Atriplex canescens*) and an occasional cholla (*Opuntia* sp.). Paloverde (*Cercidium floridum*) also occurs sparsely within the project area. Portions of the project area have been previously disturbed from sand and gravel extraction operations for a borrow pit for the Arizona Department of Transportation, utility lines, roads, and off-road vehicle use. Phase I of the Arizona Gateway project was constructed in 2004 primarily in uplands. Phase I commercial uses include a hotel, restaurant, RV/car dealership, wastewater treatment plan and other utilities, and warehouse storage/distribution.

There are approximately 31.51 ac of WUS which are jurisdictional under Section 404 within the project area. The proposed project will directly and indirectly involve the permanent loss of less than 7% of the WUS from the discharge of dredged and/or fill material onsite. As mitigation, the applicant proposes to place a

conservation easement on 27 acres of lands within Sacramento Wash and its floodplain on the north side of I-40. These lands were previously planned to be developed and preservation of these lands will result in a mitigation ratio of approximately 10:1. The WUS within the proposed project area are tributary to the Sacramento Wash, tributary to Topock Marsh, Colorado River which is a navigable water of the U.S. as defined in 33 CFR329.

Proposed Special Conditions

None at this time.

For additional information please call Marjorie Blaine at (520)584-1684. This public notice is issued by the Chief, Regulatory Division.

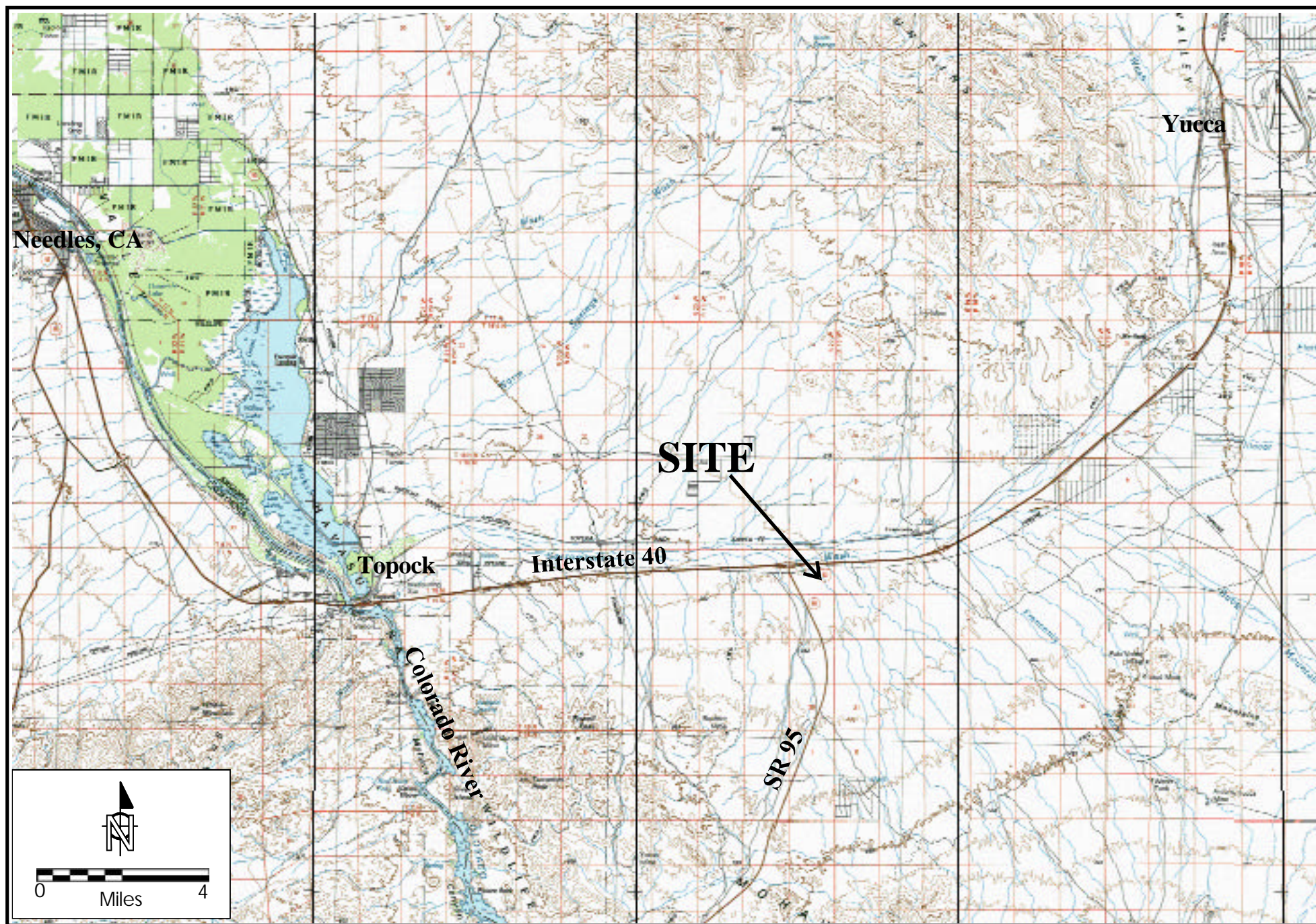


Figure 1. Project Vicinity Map. U.S.G.S. 15-Minute Topographic Map, Needles, California-Arizona (1985).

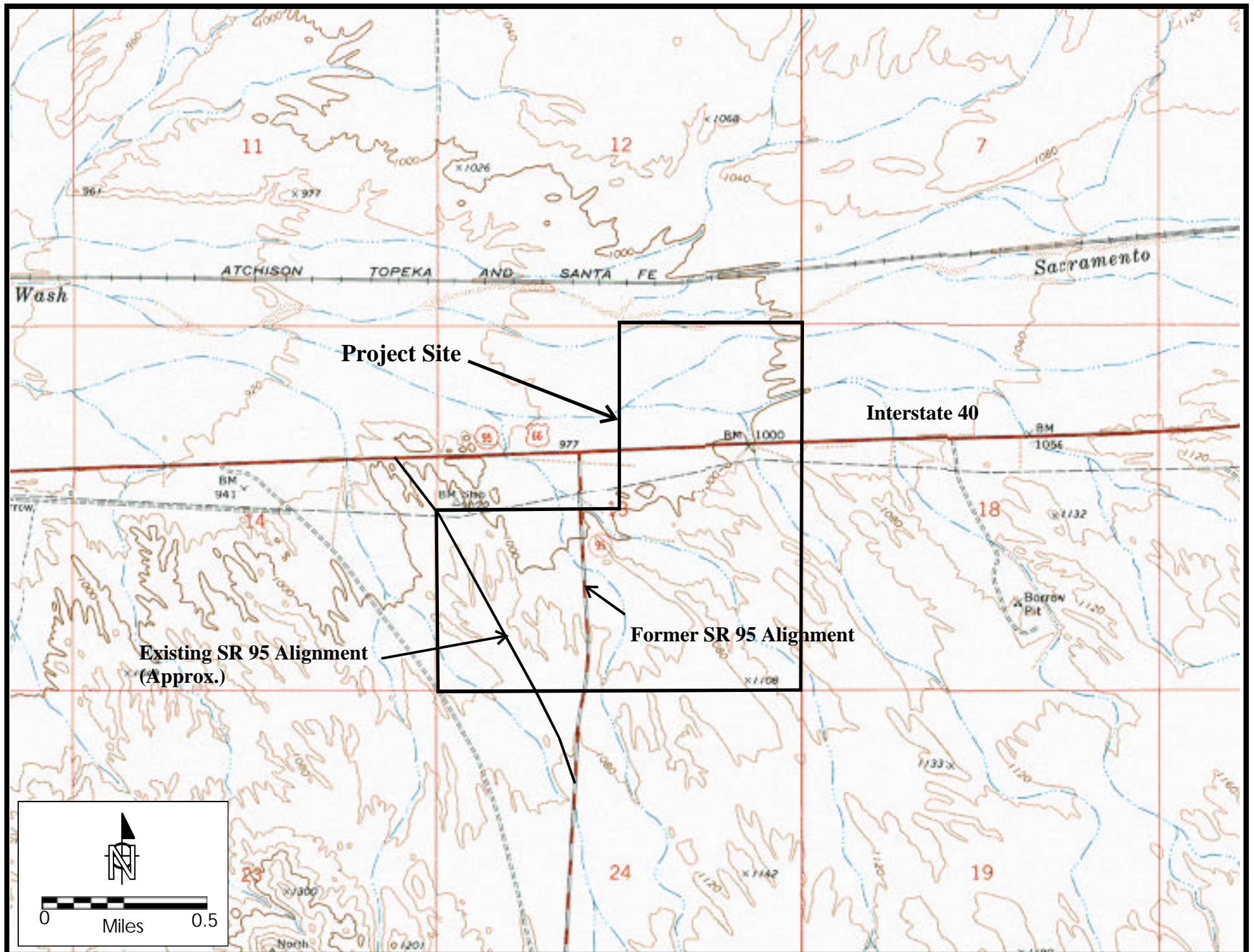
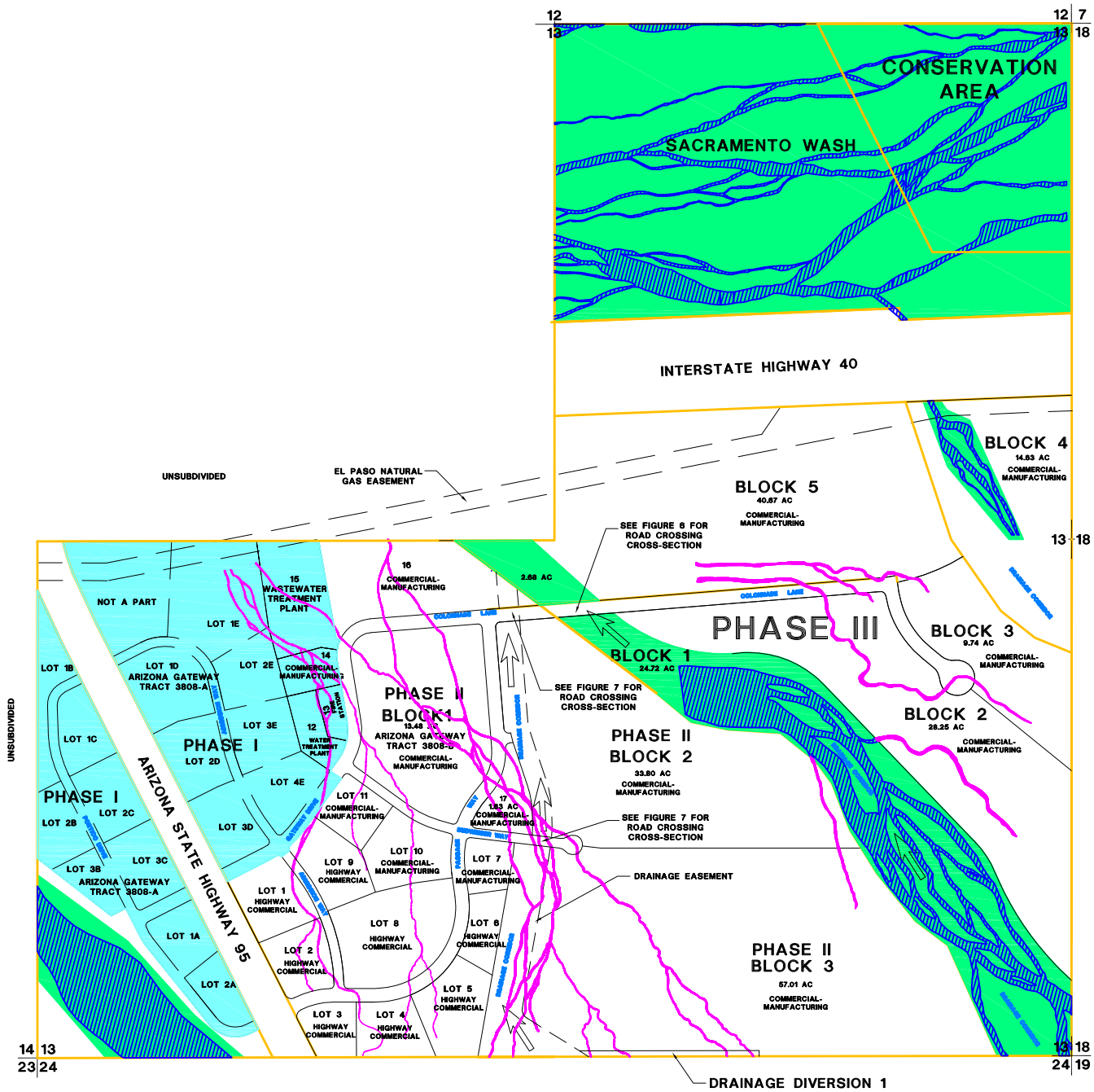






Figure 2. Project Site Location. USGS topographic Map: Franconia, Ariz. (1987).

IZONA GATEWAY
FIGURE 3
PLAN VIEW
SITE—EXHIBIT

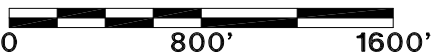


LEGEND

-  PROPOSED DISTURBED WASH
 PROPOSED UNDISTURBED WASH
 EXISTING UNIT 1 AREA
 OPEN SPACE AREA



SCALE: 1" = 800'



**Anderson
Nelson, Inc.**

4143 N. 12TH ST., SUITE 200, PHOENIX, AZ 85014
(602) 273-1850 FAX (602) 273-0264

ARIZONA GATEWAY
FIGURE 4
DIVERSION CHANNELS 1 AND 2
TYPICAL CROSS-SECTION

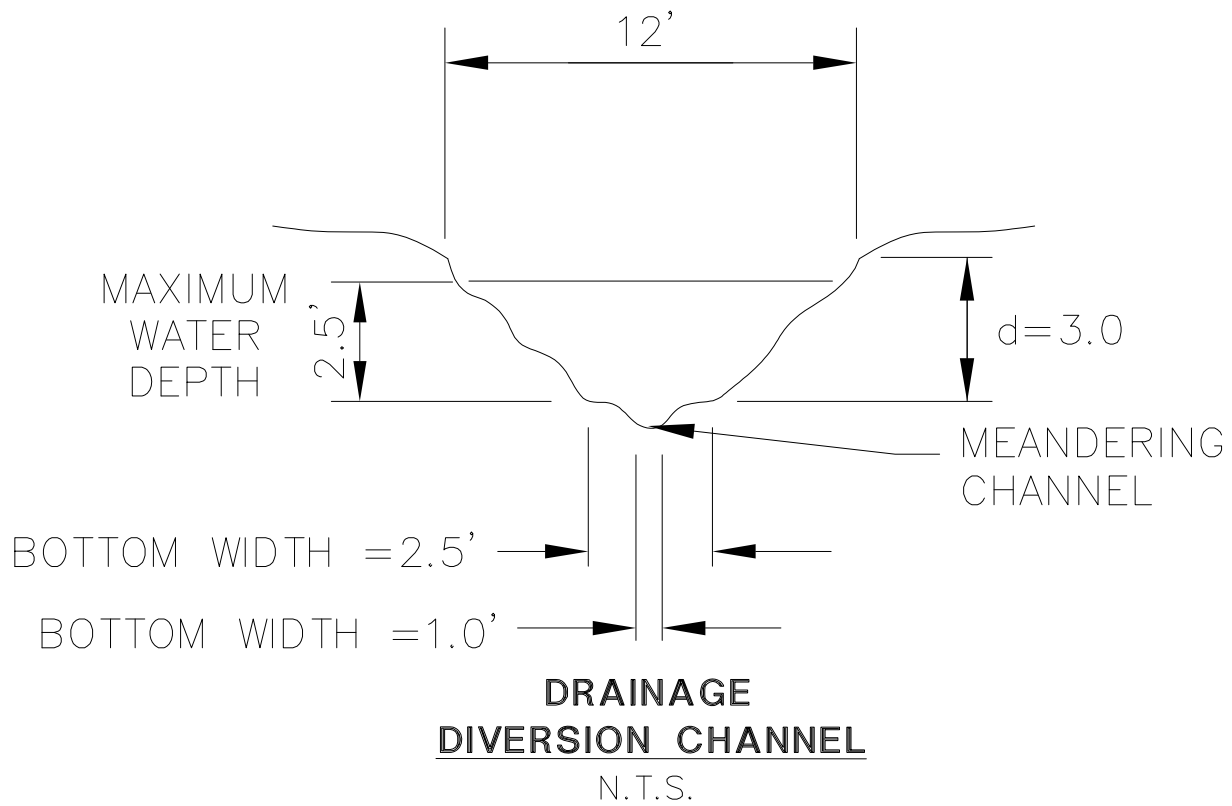


Diagram illustrating the cross-section of a meandering channel. The total width is 67'. The channel is flanked by shoulders: 8' SHOULDER TYPICAL on the left and 12' SHOULDER TYPICAL on the right. The channel bed is sloped at 1.5% on both sides. The channel width is 55', with a 6' section on each side of the main channel. The channel bed is composed of RIP-RAP with $D_{50} = 13''$. The channel is lined with FILTER FABRIC. The channel depth is 3.0'. The channel is 10' wide at the top and 5' wide at the bottom. The channel is labeled MEANDERING CHANNEL.

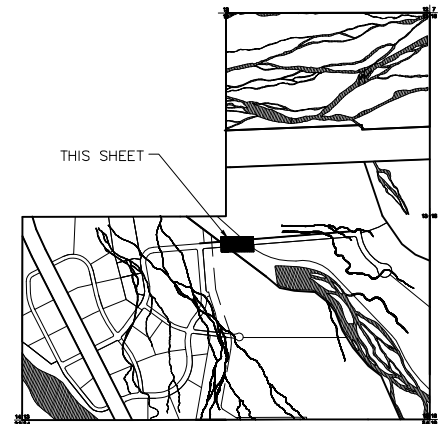
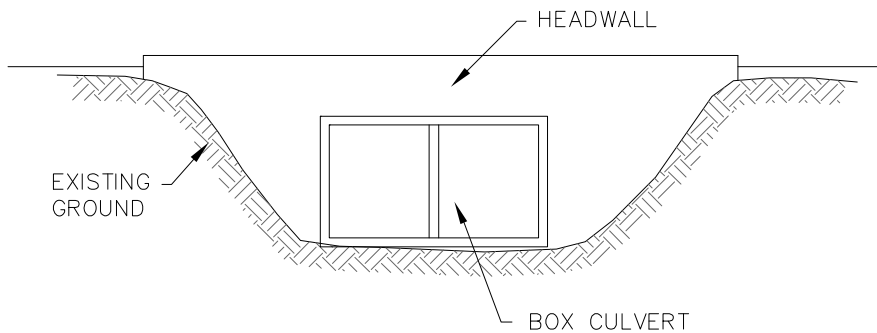
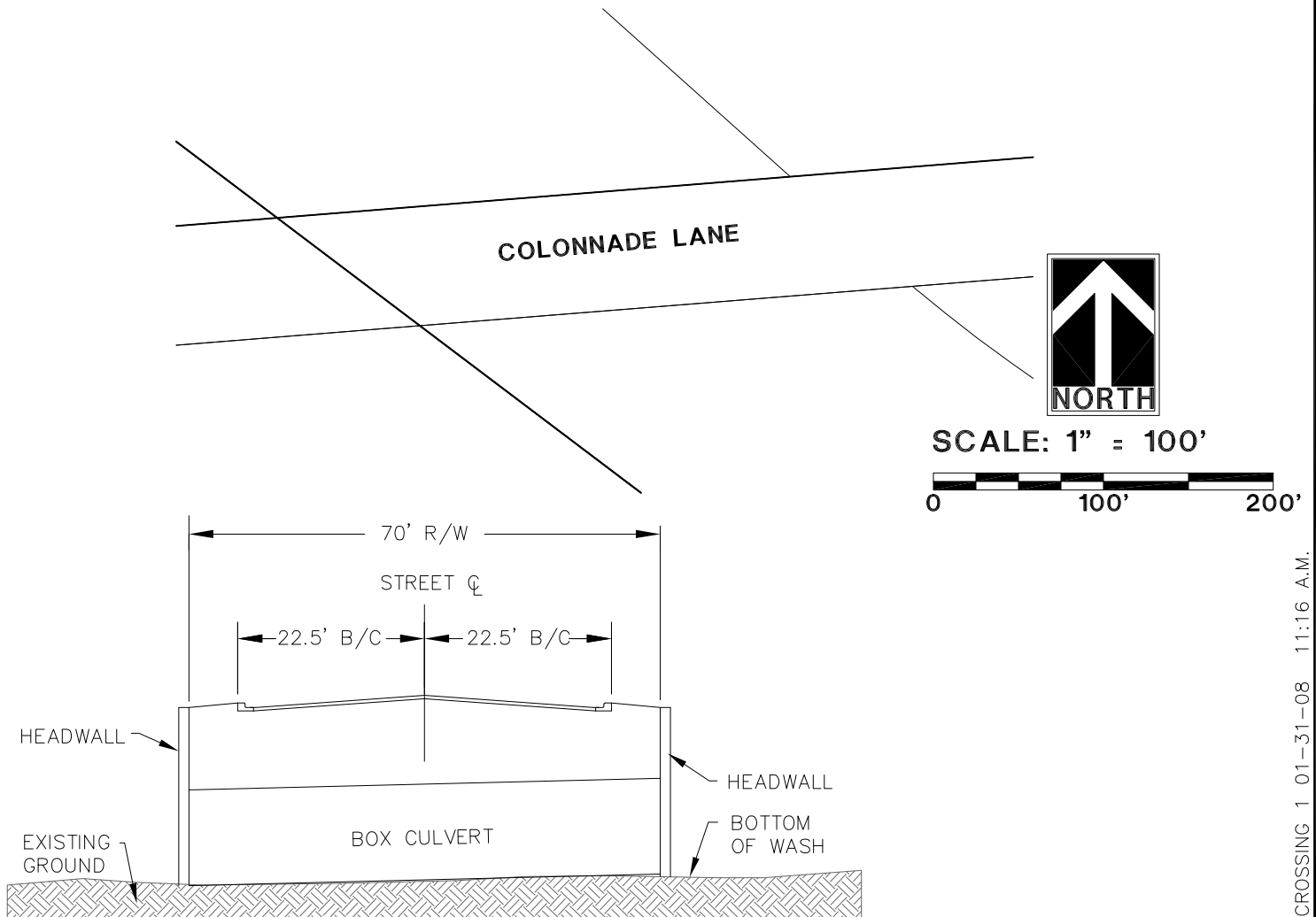
N.T.S.

ARIZONA GATEWAY

FIGURE 6

ROAD CROSSING CROSS-SECTION

(FLOOD WATERS ONLY – NO IMPACTS TO WATERS OF THE U.S.)



VICINITY MAP
N.T.S.



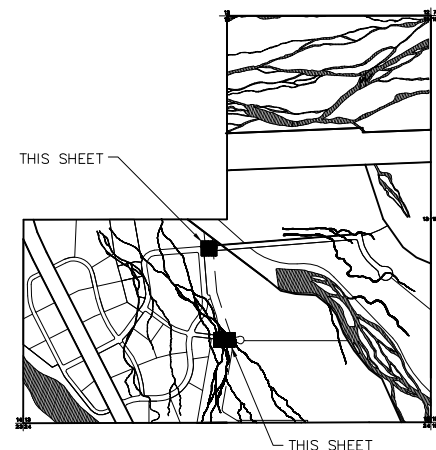
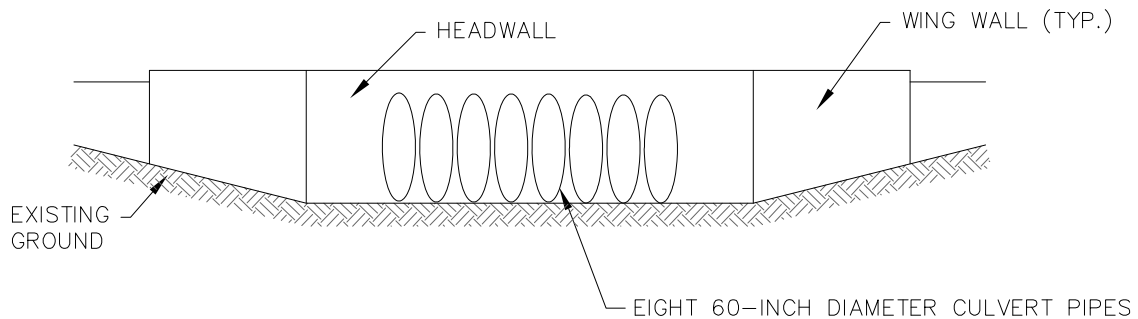
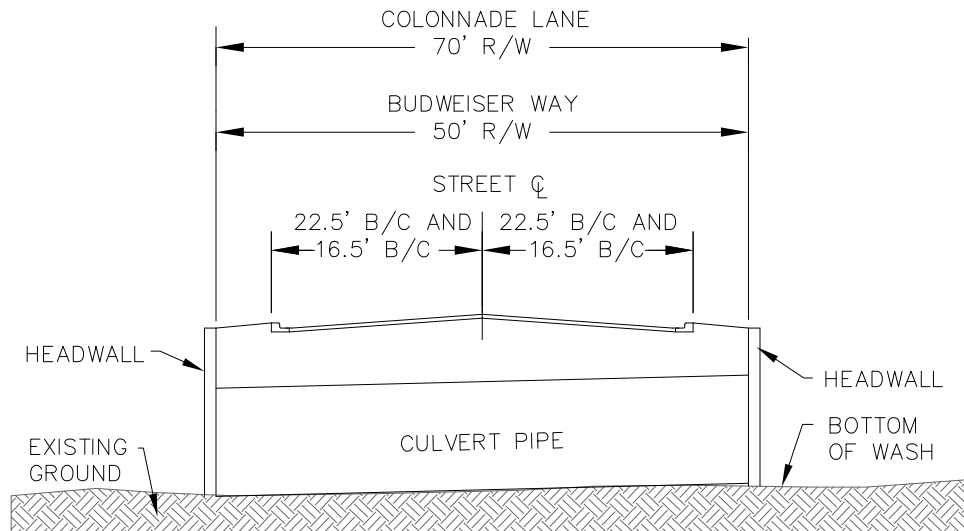
Anderson Nelson, Inc.

4143 N. 12TH ST., SUITE 200, PHOENIX, AZ 85014
(602) 273-1850 FAX (602) 273-0264

ARIZONA GATEWAY

FIGURE 7

TYPICAL ROAD CROSSING CROSS-SECTION (DRAINAGE CORRIDOR AT COLONNADE LANE AND BUDWEISER WAY)



**Anderson
Nelson, Inc.**

4143 N. 12TH ST., SUITE 200, PHOENIX, AZ 85014
(602) 273-1850 FAX (602) 273-0264